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PAMELA M. TEJADA and
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FILED

2008 MAY 15 A 11:15

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.D.

ARM

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

vs.

**PAMELA M. TEJADA AND RICARDO R.
TEJADA, INDIVIDUALLY AND D/B/A
KADOK'S HOUSE OF MAMI-SIOPAO &
BBQ,**

Defendants.

CASE No. C08 00322 RMW

**DEFENDANTS' ANSWER TO PLAINTIFFS'
COMPLAINT FOR DAMAGES**

Judge: The Honorable Ronald M. Whyte

Complaint Filed: January 17, 2008

Trial Date: None set.

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Defendants PAMELA M. TEJADA and RICARDO R. TEJADA, individually and d/b/a KADOK'S HOUSE OF MAMI-SIOPAO & BBQ ("Defendants"), by and through their undersigned counsel, hereby answer the allegations contained in Plaintiff's Complaint for Damages ("Complaint") in accordance with the numbered paragraphs as follows. As to each and every allegation denied for lack of information and belief, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegation, and on that ground deny such allegation.

DEFENDANTS' ANSWER TO
PLAINTIFF'S COMPLAINT

JURISDICTION

1
2 1. The allegations of Paragraph 1 consist of legal conclusions, requiring no response. To the
3 extent that a response is required, Defendants deny those allegations.

4 2. Defendants admit that federal district courts have subject matter jurisdiction over claims
5 that present a federal question and arise under the laws of the United States pursuant to 28 U.S.C. §
6 1331. Defendants deny the remaining allegations contained in Paragraph 2 of the Complaint.

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8 3. Defendants admit that this Court has personal jurisdiction over the parties. Defendants
9 deny the remaining allegations contained in Paragraph 3 of the Complaint.

10 **VENUE**

11 4. Defendants admit that venue is proper in the United States District Court, Northern District
12 of California. Defendants deny all remaining allegations contained in Paragraph 4 of the Complaint.

13 **INTRADISTRICT ASSIGNMENT**

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15 5. Defendants admit that assignment to the San Jose Division is proper. Defendants deny all
16 remaining allegations contained in Paragraph 5 of the Complaint.

17 **THE PARTIES**

18 6. Defendants are without knowledge or information sufficient to form a belief as to the truth
19 of the allegations contained in Paragraph 6 of the Complaint.

20 7. Defendants deny each and every allegation in Paragraph 7 of the Complaint.

21 8. Defendants deny each and every allegation in Paragraph 8 of the Complaint.

22 **COUNT 1**

23
24 9. Defendants incorporate by reference its responses contained in Paragraphs 1 through 8,
25 inclusive, of the Answer to the Complaint.

26 10. Defendants are without knowledge or information sufficient to form a belief as to the
27 truth of the allegations contained in Paragraph 10 of the Complaint.

11. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Complaint.

12. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Complaint.

13. Defendants deny each and every allegation in Paragraph 13 of the Complaint.

14. The allegations of Paragraph 14 are legal conclusions, requiring no response. Defendants deny all remaining allegations contained in Paragraph 14 of the Complaint.

15. Defendants deny each and every allegation in Paragraph 15 of the Complaint.

16. Defendants deny each and every allegation in Paragraph 16 of the Complaint.

17. Defendants deny each and every allegation in Paragraph 17 of the Complaint.

COUNT II

18. Defendants incorporate by reference its responses contained in Paragraphs 1 through 17, inclusive, of the Answer to the Complaint.

19. Defendants deny each and every allegation in Paragraph 19 of the Complaint.

20. Defendants deny each and every allegation in Paragraph 20 of the Complaint.

21. Defendants deny each and every allegation in Paragraph 21 of the Complaint.

22. Defendants deny each and every allegation in Paragraph 22 of the Complaint.

COUNT III

23. Defendants incorporate by reference its responses contained in Paragraphs 1 through 22, inclusive, of the Answer to the Complaint.

24. Defendants deny each and every allegation in Paragraph 24 of the Complaint.

25. Defendants deny each and every allegation in Paragraph 25 of the Complaint.

26. Defendants deny each and every allegation in Paragraph 26 of the Complaint.

PRAYER FOR RELIEF

27. Defendants deny that Plaintiff is entitled to any type of remedy, relief or damages of any kind, including the relief requested in Plaintiff's prayer for relief.

GENERAL DENIAL

28. Defendant denies each and every allegation of the Complaint except those not specifically admitted herein.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE: Failure to State a Claim

29. The Complaint and each alleged claim for relief fail, in whole or in part, to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE: Estoppel

30. All claims for relief alleged against Defendants in the Complaint are barred, in whole or in part, by the doctrine of estoppel.

THIRD AFFIRMATIVE DEFENSE: Laches

31. All claims for relief alleged against Defendants in the Complaint are barred, in whole or in part, by the doctrine of laches.

FOURTH AFFIRMATIVE DEFENSE: Waiver

32. All claims for relief alleged against Defendants in the Complaint are barred, in whole or in part, by the doctrine of waiver.

RESERVATION OF RIGHTS

33. Defendants reserve the right to assert such additional affirmative defenses that may appear and prove applicable during the course of this litigation.

WHEREFORE, Defendants pray for judgment against the named Plaintiff as follows:

- 1 1. For the named Plaintiff to take nothing by reason of the Complaint on file herein and that
- 2 the same be dismissed;
- 3 2. For the attorneys' fees and costs of suit incurred by Defendants; and,
- 4 3. For such other and further relief as the Court may deem just and proper.
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7 Dated: May 8, 2008

Respectfully submitted,

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9 RODEL E. RODIS
10 Attorney for Defendants
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PROOF OF SERVICE

The undersigned is a US citizen and employed in the city and county of San Francisco, California and is a person of such age and discretion as to be competent to serve papers.

The undersigned further certifies that she is causing a copy of:

DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT FOR DAMAGES

to be served on the below date to the party (ies) in this action, by placing a true copy thereof, addressed as follows:

Thomas P. Riley, Esq.
Law Offices of Thomas P. Riley
1114 Fremont Avenue
South Pasadena, CA 91030-3227
FAX (626) 799-9795

 X (By Mail), I caused such copy to be delivered by mail to the person or offices of each addressee above.

 X (By Fax), I caused such copy to be transmitted through fax to the person or offices of each addressee above.

 (By Courier), I caused such copy to be personally delivered to the person or offices of each addressee above.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: May 13, 2008



MELISSA ANNE BURKS